

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 8**

**JEFFERSON COUNTY COMMUNITY
ACTION COUNCIL, INC.**

Employer

and

Case No. 8-RC-15886

**OHIO ASSOCIATION OF PUBLIC SCHOOL
EMPLOYEES (OAPSE)/AFSCME, LOCAL 4,
AFL-CIO**

Petitioner

DECISION AND DIRECTION OF ELECTION

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, a hearing was held before a hearing officer of the National Labor Relations Board, hereinafter referred to as the Board.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its authority in this proceeding to the undersigned.

Upon the entire record in this proceeding,¹ the undersigned finds:

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.
2. The Employer is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction herein.
3. The labor organization involved claims to represent certain employees of the Employer.

¹

The Parties have filed briefs which have been carefully considered.

4. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act.

5. The following employees of the Employer constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All administrator/teachers or site administrators, CDA teachers, teachers, assistant cooks, bus drivers, cooks, cook helpers, custodians, family service workers, head cooks, head custodians, janitors, teacher aides, head start secretaries, head start clerks, but excluding all administrative assistants, administrative secretaries, data clerks, and all other employees, and all office clerical employees, professional employees, guards and supervisors as defined in the Act.

There are approximately 64 employees in the unit petitioned-for.

The Petitioner seeks to represent a unit of “[a]ll administrator/teachers, CDA teachers, teachers, assistant cooks, bus drivers, cooks, cook helpers, custodians, family service workers, head cooks, head custodians, janitors, teacher aides, head start secretaries, head start clerks, but excluding all administrative assistants, administrative secretaries, data clerks, all other employees, and all office clerical employees, professional employees, guards and supervisors as defined in the Act.”² The Employer contends that the unit sought should not include administrator/teachers, who are also referred to as site administrators, because they are supervisors within the meaning of Section 2(11) the Act. The Petitioner, however, asserts that the administrator/teachers (herein site administrators) are not supervisors and that they share a community of interest with the other employees in the proposed unit.

The Employer, Jefferson County Community Action Council, Inc., is an Ohio corporation engaged in providing an array of social services to the community in the areas of

² The petitioned-for unit appears as amended at hearing. The Parties stipulated that all the classifications in the petitioned-for unit, specifically the administrative/teachers, CDA teachers, and teachers, are not professional employees within the meaning of Section 2(12) of the Act. The Parties based their stipulation on their agreement that four-year education degrees are not a requirement for the positions in the proposed unit. Since the record contains no evidence contrary to the stipulation of the Parties, I accept the stipulation that the employees in the petitioned-for unit are not professional employees within the meaning of Section 2(12) of the Act.

child development, job training, and emergency services. One such social service program is the Head Start Program, a federally subsidized program that provides children between the ages of three and five years old with early learning experiences along with their families. The Employer has twelve sites throughout Jefferson County which are certified and licensed child care centers, each with a minimum of a teacher, a teachers aide, and a volunteer and/or parent.

The Employer employs eight site administrators who are the persons in charge of their respective sites and they report to the two administrative education supervisors, Ms. Minnifield and Ms. Morrocco.³ The education supervisors report to Education Director Laura Woods, and she, in turn, reports to Head Start Program Director Juanita Thorn. The Employer's Head Start director is Ms. Sheppard.

The record reveals that four of the Employer's twelve Head Start sites do not have site administrators. The two education supervisors are in charge of their respective sites and the two other sites are staffed by teachers. The staffs at the Head Start sites usually consist of site administrators, teachers, teacher assistants, a cook, a bus driver, and a family service worker. The sites vary in size and the number of employees. Site Administrator Deanna Hines testified that her responsibilities include making sure the employees are in their stations, time cards are signed, and inspections are completed. The record reveals that site administrators, like the teachers, carry a full teaching work load.

The site administrators and teachers are both hourly paid and receive the same rate of pay, the same benefits, and the same vacation time. The site administrators work three to four weeks more per year than the teachers when they engage in the recruitment of students for their respective sites. The record reveals that all but one site administrator spends the majority of

³ The record as a whole reveals that the two education supervisors are not at issue as neither Party asserts that they should be included in the petitioned-for unit. Nevertheless, the record does not contain a stipulation by the Parties that they are supervisors within the meaning of Section 2(11) of the Act. I find that, based the record in this case, the education supervisors utilize their independent judgement to effectively assign, direct, and discipline employees. They are therefore supervisors within the meaning of Section 2(11) of the Act and they are excluded from the unit found appropriate herein.

her/his time teaching students.⁴ Both site administrators and teachers work six hour per day. The site administrator's hours of work are from 8:00 a.m. to 4:00 p.m. and the teachers hours of work are from 9:00 a.m. to 5:00 p.m.

The record reveals that the site administrators perform the same teaching work as the teachers. Employer CEO Robert Cutri testified that site administrators and teachers are "lateral positions." Cutri also testified that, in the past, site administrators have moved to teacher positions and teachers have moved to site administrator positions. Site Administrators Robert Hines and Tamara Hagerty testified that they did not apply for their positions as site administrators, rather, they were appointed or given those positions when they were informed by the Employer's management officials that they would be site administrators.

The record reveals that site administrators do not have the authority to hire or discharge employees and they do not make any effective recommendations in that regard. The site administrators also do not have any responsibility in the Employer's interviewing process for job applicants. There is no evidence that site administrators have authority to transfer, layoff, recall, promote or reward employees. With regard to the assignment of employees, the record reveals that the Employer's management officials are responsible for assigning Head Start personnel. In this regard, Cutri testified that assignments of personnel are made by persons other than site administrators, and that staffing at the sites is controlled by the guidelines from the State of Ohio day care licensing law.⁵

⁴ In this regard, the following site administrators testified that their time spent teaching as compared to performing administrative tasks is as follows: Robert Hines, Jr. testified that 70% of his time is spent teaching and 30% of his time is spent on administration; Tamara Hagerty testified that 80% of her time is spent teaching and 20% of her time is spent on administration; Bincentia Masloski testified that 90% of her time is spent teaching and 10% of her time is spent on administration; Bridgette Baker testified that 80% of her time is spent teaching and 20% of her time is spent on administration, and Deanna Hines testified that 40% of her time is spent teaching and 60% of her time is spent on administration.

⁵ With regard to assignment responsibilities, Site Administrator Tamara Hagerty testified that site administrators do not have involvement in what sites they are assigned to or which teacher aides are assigned to their sites. Site Administrator Bincentia Masloski also testified that site administrators do not have input on employee assignments and that an employee was moved from her site to other site without her prior knowledge, consent or approval. Likewise, Site Administrator Bridgette Baker testified that she has no authority with regard to the assignment of employees and Site Administrator Robert Hines testified that the Employer's management officials perform all employee assignment and scheduling functions.

The record reveals that the site administrators and teachers prepare lesson plans, but that the site administrators do not review or approve the teachers' plans. The site administrators also do not direct teachers on how to follow their lesson plans. Site Administrator Hagerty testified that guidance for the lesson plans come from the education supervisors by way of memos detailing certain areas of the curriculum they are required to cover.

With regard to directing the work of the employees at the sites, Hagerty testified that she has the authority to direct the work of the teacher's aides, but she does not do so on a daily basis because their work is routine and they know what work to perform. She stated that the aides' routine work consists of tracing patterns for art projects, taking students to the restroom, cleaning up the play area, and other daily tasks.⁶ Masloski also testified that the teachers and the teacher's aides' work is routine and regimented. Likewise, Robert Hines testified that the employees he works with do not look for direction when they perform their daily tasks. Thus, the record reveals that the teachers and aides require very little, if any, direction in their work because their work is routine in nature.

Cutri testified that site administrators have the authority to grant vacation, sick leave requests, and personal days off for employees. However, he also acknowledged that he is rarely at the Head Start sites, that he was not familiar with the manner in which the site administrators operated on a day to day basis, and that he was not familiar with the day-to-day process of granting leave. Furthermore, he later testified that site administrators do not have the authority to grant leave. With regard to granting leave, Site Administrator Hagerty testified that she has no authority to grant sick leave or vacation time on her own; she takes such leave requests to the education supervisor who approves or denies them. Likewise, Site Administrator Masloski testified that she has no authority to grant leave requests. Masloski also testified that she has signed off on employee leave forms, but some have been returned to her as denied by the education supervisor. Site Administrator Bridgett Baker testified that she also has signed off on

⁶ Robert Hines testified that all teachers have aides to work with them and at those sites where there is only a teacher, and not a site administrator, the teachers direct those aides.

employee leave requests, but that such requests were approved or denied by the education supervisors. She specifically recalled some such leave requests that she had signed off on and which were denied by the education supervisor.

With regard to approving leave from work for employees that call off sick, Cutri testified that if an employee calls off work sick, the site administrator would have to find a replacement by calling a parent to come in, and the site administrator would have fill out a form and send it in to management so that the parent received payment for filling in. Site Administrator Masloski, however, testified that the employees are responsible for finding their own replacements if they are sick, and that such replacements are selected from a list of “stipend” people. According to Masloski, if she is in need of an employee, she calls the education supervisor and the supervisor conveys to her how the need for a replacement will be handled.

The record shows that site administrators sign the employee time cards to verify the hours worked. However, the time cards are then given to the education supervisors and the site administrators are not involved in the Employer’s payroll process. According to the record testimony, some of the site administrators have the authority to cancel classes by calling the local television stations and utilizing a “pin” code if the weather is severe,⁷ but the record shows that the site administrators have no authority to send employees home from work without the approval of management.⁸

The site administrators attend meetings called by the education coordinator. The record reveals that the site administrators are not responsible for calling or conducting these meetings, and one site administrator sent a teacher in her place to one of the meetings when she was unable to attend.

The record reveals that the site administrators complete 30, 60, and 90 day evaluation forms for probationary employees. According to Cutri, the site administrators make

⁷ Cutri acknowledged that the decision regarding whether employees have to report to work or leave early from work because of severe weather is not made by the site administrators.

⁸ In this regard, Site Administrator Robert Hines testified that he does not have authority to send employees home from work.

recommendations at the end of the 90 day probationary period concerning whether or not the employee will be retained. Cutri also testified that the site administrators perform evaluations for employees once a year. Cutri acknowledged, however, that once the evaluation forms are completed, they are passed on to someone in management who decides whether the individual in question should be retained. He also acknowledged that the site administrators may make recommendations in that regard, but that management always conducts a review of that evaluation and management makes the appropriate decisions regarding retention.

The evaluations for probationary employees were described on the record as forms which indicated performance in various job related criteria. Masloski testified that the site administrators receive manila envelopes from the Employer's management with the evaluation forms consisting of numerical ratings of 1 through 9 for certain work criteria. She further testified that she does not make any recommendations on retention or termination for probationary employees, and that she only conducted yearly evaluations of employees more than two years ago. She also testified that she has completed 90 day probationary evaluations "after the fact." Site Administrator Deanna Hines testified that she has made recommendations that employees should be retained after the probationary period, but she does not make such recommendations for every employee. In particular, she testified that she recommended that a probationary employee not be retained, and the Employer subsequently did not retain her. However, she testified that the education supervisor conducted her own interview by speaking with that probationary employee before she determined that the employee not be retained. There is no evidence as to what weight was afforded her alleged recommendation in that specific instance.

Site Administrator Robert Hines testified that he is not responsible for evaluating employees, probationary or otherwise. Site Administrator Hagerty testified that she had evaluated employees when she was a teacher during the 1997-1998 school year, but she did not make any recommendations regarding whether probationary employees should be terminated or retained. Site Administrator Bridgette Baker testified that she has completed 90 day

probationary evaluations by assigning the numerical scores of 1 through 9, but she has never made a comment or recommendation on whether a probationary employee should be retained. She also testified that three years ago she completed yearly evaluations for employees.

With regard to discipline, Cutri vaguely asserted that site administrators are responsible for disciplining employees. Deanna Hines testified that when confronted with an employee infraction, she first speaks to that employee. If the problem persists, she speaks to the employee again and then writes it up on a warning report form and they both sign it. She then meets with the education supervisor and director of education. She testified that in this process, she always consults or meets with the education supervisor and the employee's "supervisor." For example, if the employee at issue is the cook, she consults with the education supervisor and the nutrition coordinator; if the employee is a family service worker, she meets with the education supervisor and the family service coordinator.

The Employer produced an "Employee Warning Report" for employee Chessa Thompson. That report reveals that Thompson took three days off without approval. Hines testified that in that incident, she recommended that Thompson be granted leave with pay, but instead, Education Director Laura Woods decided that Thompson receive three days off without pay. Thus, Hines' recommendation was not followed. A review of the document also indicates that Hines signed the form as the "person who prepared warning," and Woods signed it as the "supervisor." Hines also testified that every warning report she has prepared involved a decision on the discipline by someone in management above her.

Robert Hines testified that if an incident or infraction occurs, he contacts the education supervisor and she instructs him to document the incident. He stated that after documenting the incident, if the problem persists, the education supervisor steps in and takes care of the problem. He also testified that he had never before seen the Employer's Employee Warning Report. Tamara Hagerty testified that she has never suspended or disciplined employees. She stated that she has spoken to employees regarding problems, but she is required to contact the education

supervisor in order to have employees disciplined. She also testified that she was never informed that she could discipline employees on her own.

Bincentia Masloski asserted that she is not involved in discipline and she has never made any recommendations regarding discipline. She further stated that she would contact the education supervisor and document the incident if an employee required discipline. She also stated that she does not have, nor has she ever filled out, the Employer's "Employee Warning Report." Bridgett Baker stated that she has the authority to verbally counsel employees, but that she does not have the authority to discipline. As an example, she stated that she once had a problem with a custodian at her site and to resolve the problem, she contacted the education supervisor who came to the site and spoke to the janitor.⁹

As noted above, the Employer contends that the site administrators are supervisors within the meaning of the Act and must, therefore, be excluded from the unit. The Petitioner contends that they are not supervisors and should be included in the unit.

Section 2(3) of the Act excludes from the definition of "employee" "any individual employed as a supervisor." Section 2(11) of the Act defines supervisor as:

any individual having authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a routine or clerical nature, but requires the use of independent judgment.

It is well established that the possession of any one of the indicia specified in Section 2(11) of the Act is sufficient to confer supervisory status on the employee, provided that the authority is exercised with independent judgment on behalf of management and not in a routine

⁹ In connection with the authority of site administrators to discipline employees, Teacher Aide Naydine Frantz testified that she once allowed a student to go to a kindergarten screening and was informed by her site administrator that such action was improper. In that instance, she stated that the site administrator called Laura

manner. *Clark Machine Corporation*, 308 NLRB 555 (1992); *Bowne of Houston, Inc.*, 280 NLRB 1222, 1223 (1986). It is also well established that the burden of proving supervisory status rests on the party asserting such status. *Billows Electrical Supply of Northfield, Inc.*, 311 NLRB 878 (1993); *The Ohio Masonic Home, Inc.*, 295 NLRB 390 (1989); *Tucson Gas & Electric Co.*, 241 NLRB 181 (1979).

In addition to the enumerated powers in Section 2(11) of the Act, the Board may also look to certain other factors as evidence of supervisory status, e.g., the individual's attendance at supervisory meetings, authority to grant time off to other employees, and the ability to evaluate employees. See *Flexi-Van Service Center*, 228 NLRB 956, 960 (1977).

In applying the traditional criteria for the establishment of supervisory status to the facts of the instant case, I find for the reasons stated below that the Employer has failed to meet its burden of proving that the site administrators are supervisors within the meaning of Section 2(11) of the Act.

The record in this case reveals that site administrators do not have the authority to hire employees, discharge employees, or make any effective recommendations in that regard. The site administrators also do not have authority to transfer, suspend, layoff, recall, promote, assign or reward employees, or to adjust employee grievances.

The record further reveals that site administrator do not have the authority to discipline employees or to effectively recommend discipline. The site administrators have authority to verbally counsel employees and the record shows that they may document and report instances of employee infractions. The evidence, however, demonstrates that site administrators do not discipline or effectively recommend discipline for employees. I find that any role the site

Woods and reported the incident. Frantz further testified that Woods directed the site administrator to inform her

administrators have in the Employer's disciplinary process is reportorial in nature. No evidence was offered to demonstrate that any reports of employee infractions by site administrators had ever lead to the imposition of discipline or whether they carry any weight in disciplinary decisions. In fact, to the contrary, the record shows that in the one instance where a site administrator made a recommendation with regard to discipline, that recommendation was not followed. The mere factual reporting of employee infractions that do not automatically affect job status or tenure does not constitute supervisory authority. **The Ohio Masonic Home, Inc., supra; Passavant Health Center, 284 NLRB 887, 889 (1987).**

The Employer argues, however, that the site administrators are supervisors within the meaning of the Act because they allegedly grant time off for employees, direct employees, and evaluate employees.

With regard to the Employer's assertion that site administrators have authority to grant employees time off, the evidence demonstrates that Cutri, the Employer witness who made that assertion on the record, later acknowledged that he is rarely at the Employer's sites, that he was unfamiliar with the manner in which the site administrators operated on a day to day basis, and that he was unfamiliar with the day-to-day process of granting leave. Furthermore, he subsequently acknowledged that site administrators do not have the authority to grant leave. The fact that site administrators do not have authority to grant leave was attested to by many of the site administrators who testified.¹⁰ In fact, several site administrators testified that some employee leave forms they had signed off on had been returned to them as denied by the

(Frantz) that if she would be reprimanded and if she did it again she would be suspended for three days.

¹⁰ As stated in greater detail above, Site Administrators Hagerty, Masloski, and Baker testified that they have no authority to grant sick leave or vacation time on their own.

education supervisor. Thus, I find no merit to the Employer's argument in this regard and I find that the site administrators do not grant leave for employees.

The Employer's argument that site administrators use independent judgement in directing employees is also without merit. In that connection, the record reveals that the site administrators do not review or approve the teachers' lesson plans and they do not direct teachers on how to follow their lesson plans. The record also demonstrates that the work performed by the teachers and teacher's aides work is routine and regimented. Thus, the record evidence shows that the teachers and aides require very little, if any, direction in their work. I find that any guidance for such routine duties by the site administrators involves little or no independent thought, and that factor is insufficient to make them supervisors within the meaning of the Act. See *Williamson Piggly Wiggly, Inc.*, 280 NLRB 1160, 1167 (1986), affirmed 827 F.2d 1098 (6th Cir. 1987).

In support of its assertion that the site administrators are supervisors by virtue of their alleged responsibility to direct employees, the Employer cites *Custom Bronze & Aluminum Corp.*, 197 NLRB 397 (1972). In that case, a welder was found to be a supervisor within the meaning of the Act based, *inter alia*, on the Board majority's finding that he responsibly assigned and directed work in the shop and exercised the use of independent judgment in fulfilling those responsibilities. That case, however, is distinguishable from the instant case because there is no record evidence that the site administrators exercise independent judgement in assigning or directing the work of employees. Instead, the record reveals that the site administrators do not review or approve the teachers' lesson plans, nor do they direct teachers on how to follow such plans. As stated above, the guidance for the employees' lesson plans come from the education supervisors by way of memos detailing certain areas of the curriculum they

are required to cover. Also, as mentioned above, the instant record demonstrates that the work of the teachers and their aides is routine and regimented, requiring very little, if any, direction. Thus, the record demonstrates that those employees do not look for direction when they perform their daily tasks.

In reaching its decision in *Custom Bronze & Aluminum* the Board majority also relied on its finding that the welder in question determined whether overtime or additional help was needed to get the work out, and he consulted the employer's president on personnel matters. Those facts are not present in the instant case. Accordingly, I find that *Custom Bronze & Aluminum* is distinguishable from the case at hand and I find no merit to the Employer's assertion that the site administrators use independent judgment in directing the work of employees.

The Employer also asserts that the site administrators are supervisors because they evaluate probationary employees and that such evaluations have a significant impact on employees since the evaluations allegedly determine if they are to be retained or terminated. This assertion is unsupported by the record. As stated above in greater detail, the evidence in this case reveals that site administrators complete 30, 60, and 90 day evaluations for probationary employees. Despite the fact that Cutri asserted that site administrators make recommendations at the end of the 90 day probationary period concerning whether or not the employee will be retained, he acknowledged that management conducts reviews of those evaluations and management makes the appropriate decisions regarding retention.

As mentioned above, the evaluations in question were described as consisting of numerical ratings for certain work criteria. Site Administrators Masloski, Robert Hines, Hagerty, and Baker testified that they do not make recommendations on retention or termination

for probationary employees. The only site administrator to testify that she made a recommendation regarding retention was Deanna Hines. However, she acknowledged that the education supervisor conducted her own interview by speaking with that probationary employee before she determined that the employee not be retained. Critically, there is no evidence in this record as to what weight was afforded her alleged recommendation in that specific instance. Equally critical is the fact that there was no evidence presented to show that the numerical grades of the evaluations determined whether probationary employees would be retained or terminated. Likewise, there is no evidence that recommendations were determinative in probationary employee retention or termination. Thus, the record does not reveal that probationary employees' retentions or terminations are determined by or contingent upon evaluations. The authority simply to evaluate employees without more is insufficient to establish supervisory status. *Northcrest Nursing Home*, 313 NLRB 491, 498 (1993); *Passavant Health Care*, 284 NLRB 887 (1987); *Waverly-Cedar Falls Health Care, Inc.*, 297 NLRB 390, 392 (1989); *Riverchase Health Care Center*, 304 NLRB 861, 864 (1991).¹¹

Accordingly, based on the foregoing and the record as a whole, I find that the site administrators are not supervisors within the meaning of Section 2(11) of the Act.¹² I also find that the site administrators have a sufficient community of interest with the other employees in the petitioned-for unit to warrant their inclusion. In this regard, I note that site administrators

¹¹ The Employer also asserts that if the site administrators are not found to be supervisors, then the Employer's separate locations would have no supervision at five of the twelve sites. I find no merit to this assertion, as the record evidence does not reveal that the site administrators are unable to communicate with or take direction from the education supervisors, who themselves are in charge of two sites. In addition, the record reveals that two sites currently are run by teachers, rather than site administrators. There is no record evidence that those sites are unable to function by virtue of the fact that they are headed by employees who are not statutory supervisors within the meaning of the Act.

¹² In reaching this decision, I note that the Board has found day care and head start teachers of the type employed by the Employer not to be statutory supervisors. *Catholic Bishop of Chicago*, 235 NLRB 776, 779 (1978).

and teachers, in particular, receive the same pay and share the same benefits, vacations, and teaching work load. Thus, I find that the site administrators should be included in the unit.

DIRECTION OF ELECTION

An election by secret ballot shall be conducted by the undersigned among the employees in the unit found appropriate at the time and place set forth in the notice of election to be issued subsequently, subject to the Board's Rules and Regulations. Eligible to vote are those in the unit who were employed during the payroll period ending immediately preceding the date of this Decision, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Also eligible are employees engaged in an economic strike which commenced less than 12 months before the election date and who retained their status as such during the eligibility period and their replacements. Those in the military services of the United States may vote if they appear in person at the polls. Ineligible to vote are employees who have quit or been discharged for cause since the designated payroll period, employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and employees engaged in an economic strike which commenced more than 12 months before the election date and who have been permanently replaced. Those eligible shall vote whether or not they desire to be represented for collective bargaining purposes by Ohio Association of Public School Employees (OAPSE)/AFSCME, Local 4, AFL-CIO.

LIST OF VOTERS

In order to ensure that all eligible voters have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties to the election should have access to a list of voters and their addresses that may be used to communicate with them. **Excelsior Underwear Inc.**, 156 NLRB 1236 (1966); **N.L.R.B. v. Wyman-Gordon Co.**, 394 U.S. 759 (1969). Accordingly, it is directed that an eligibility list containing the *full* names and addresses

of all the eligible voters must be filed by the Employer with the Regional Director within 7 days from the date of this decision. **North Macon Health Care Facility**, 315 NLRB 359 (1994). The Regional Director shall make the list available to all parties to the election. No extension of time to file the list shall be granted by the Regional Director except in extraordinary circumstances. Failure to comply with this requirement shall be grounds for setting aside the election whenever proper objections are filed.

RIGHT TO REQUEST REVIEW

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 14th Street, N.W., Washington, D.C. 20570-0001. This request must be received by the Board in Washington, by June 4, 1999.

Dated at Cleveland, Ohio this 21st day of May 1999.

Frederick J. Calatrello
Regional Director
National Labor Relations Board
Region 8

177-8560